

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	23cv10881 (DLC)
ALEKSANDAR ZUNZUROVSKI,	:	
	:	<u>ORDER</u>
Plaintiff,	:	
-v-	:	
	:	
LIANE FISHER, et al.,	:	
	:	
Defendants.	:	
-----	X	

DENISE COTE, District Judge:

This action was filed on December 14, 2023. On February 9, defense counsel requested an immediate conference to discuss, inter alia, adverse counsel's abusive tactics and this Court's lack of subject matter jurisdiction over the case. Defense counsel also submitted an email exchange dated December 15, 2023, in which defense counsel advised plaintiff's counsel that there was not complete diversity of citizenship between the parties because both plaintiff and defendant Fisher are domiciled in New Jersey.

Fed. R. Civ. P. 11(b) provides that by presenting a pleading, written motion, or other paper to the Court, an attorney certifies that to the best of his or her knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, it is not being presented for any improper purpose, such as to harass; that the claims and other

legal contentions are warranted by existing law; and that the factual contentions have evidentiary support. Fed. R. Civ. P. 11(c) provides that the Court may impose sanctions for violations of Rule 11(b), including but not limited to nonmonetary directives; an order to pay a penalty into court; or, if imposed after a show-cause order issued under Rule 11(c)(3) before voluntary dismissal or settlement of the claims, an order directing payment to the movant of part or all of the reasonable attorneys' fees and other expenses directly resulting from the violation.

If an attorney alleges jurisdiction "when reasonable inquiry would show that it did not exist, he may be held liable for sanctions substantial in amount." Gutierrez v. Fox, 141 F.3d 425, 427 (2d Cir. 1998). Further, this Court "may enforce Rule 11 even after the plaintiff has filed a notice of dismissal under Rule 41(a)(1)." Cooter & Gell v. Hartmarx Corp., 496 U.S. 384, 395 (1990).

As stated on the record at the conference held on March 5, 2024, the Court is considering imposing the following Rule 11 sanctions: referral to the New York State Second Judicial Department Attorney Grievance Committee, referral to the Grievance Committee for the Southern District of New York, and an order directing payment to the defense of part or all of the

reasonable attorneys' fees and other expenses directly resulting from the violation.

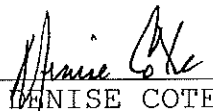
At the March 5 conference, Plaintiff's counsel consented to dismissing the action. Plaintiff's counsel also represented that plaintiff had told him that Fisher resided in New York. Accordingly, it is hereby

ORDERED that plaintiff's counsel file by March 19, 2024 a sworn affidavit by the plaintiff regarding the representation made by the plaintiff to counsel regarding Fisher's residence.

IT IS FURTHER ORDERED that plaintiff's counsel file a letter regarding counsel's compliance with the requirements of Rule 11, Fed. R. Civ. P. in the following cases: 19cv11573, 20cv2598, 23cv3389, 23cv3919, 23cv4211.

IT IS FURTHER ORDERED that this action is dismissed with prejudice. This Court will retain jurisdiction over the issue of Rule 11 sanctions and sanctions to be imposed pursuant to the Court's inherent power.

Dated: New York, New York
March 5, 2024



DENISE COTE
United States District Judge